

10/5/9879

Translation

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 859-S04P0344	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/JP2004/003350	International filing date (day/month/year) 12.03.2004	Priority date (day/month/year) 18.03.2003	
International Patent Classification (IPC) or national classification and IPC			
<p>Applicant SONY CORPORATION</p>			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. (*sent to the applicant and to the International Bureau*) a total of 11 sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
 - Box No. I Basis of the report
 - Box No. II Priority
 - Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - Box No. IV Lack of unity of invention
 - Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - Box No. VI Certain documents cited
 - Box No. VII Certain defects in the international application
 - Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- the international application as originally filed/furnished
 the description:

pages 1, 6, 8-35 as originally filed/furnished

pages* 2-5, 5/1, 7 received by this Authority on 03.08.2004

pages* _____ received by this Authority on _____

- the claims:

nos. 4-6 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-2, 7-14 received by this Authority on 03.08.2004

nos.* _____ received by this Authority on _____

- the drawings:

sheets 1-18 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, nos. 3 _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

the entire international application

claims Nos. _____

because:

the said international application, or the said claims Nos. _____

relate to the following subject matter which does not require an international preliminary examination (*specify*):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

no international search report has been established for said claims Nos. _____

the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

has not been furnished

does not comply with the standard

the computer readable form

has not been furnished

does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

See Supplemental Box for further details.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

III.

In the amendments dated 3 August 2004, the technical feature wherein "when data has been transmitted from the transmission unit and thereafter a predetermined amount of time has elapsed..." has been added to the inventions set forth in claims 1-8 as a means of controlling the timing of transmission data.

The applicant was notified at the time of the international search report that this technical feature does not fulfil the requirement of unity of invention, and since additional fees were not paid within the required period, the international search report was not produced for claims in which this technical feature appears.

Therefore, since no international search report was produced for said technical feature, it is not possible to examine the novelty, inventive step or industrial applicability of those claims containing the technical feature for which no international search report has been produced.

In light of the amendments dated 3 August 2004, the applicant was notified at the time of the international search report that the inventions disclosed in claims 9-14 do not fulfil the requirement of unity of invention, and since additional fees were not paid within the required period, the international search report was not produced for claims in which this technical feature appears.

Therefore, since no international search report was

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Supplemental Box

produced for these inventions, it is not possible to examine the novelty, inventive step or industrial applicability of these claims for which no international search report has been produced.